

**500 KAR 14:020. Administrative penalties and appeals process for motor carrier safety violations.**

RELATES TO: KRS 15A.020, 281.600, 281.880, 281.883, 49 U.S.C. 521(b), 49 C.F.R. 385, 390

STATUTORY AUTHORITY: KRS 281.600, 281.880, 281.883, 49 U.S.C. 521(b), 49 C.F.R. 385, EO 2006-805

NECESSITY, FUNCTION, AND CONFORMITY: KRS 281.880(2) authorizes the department to establish a system of penalties for safety violations. EO 2006-805 transferred the authority to administer motor carrier safety laws and administrative regulations to the Department of Kentucky Vehicle Enforcement. This administrative regulation establishes administrative penalties and an appeals process for safety violations by motor carriers in intrastate commerce.

Section 1. Definitions. (1) "Compliance review" is defined by 49 C.F.R. 385.3.

(2) "Safety violation" means a violation of KRS 281.880, 500 KAR 14:010, or 601 KAR 1:005 as determined by the department during a compliance review.

(3) "Violator" means an owner or operator of a motor carrier against whom a civil penalty is assessed for a safety violation.

Section 2. Penalties. (1) For safety violations by motor carriers in intrastate commerce, the department shall apply the system of administrative penalties and procedures in 49 U.S.C.521(b) and the U.S. Department of Transportation Uniform Fine Assessment program, subject to the provisions of this administrative regulation.

(2) A violator shall be liable to the department for any civil penalty assessed.

(3) A violator who does not pay the penalty or fails to arrange and abide by an acceptable payment plan for the penalty shall not operate in intrastate commerce beginning on the 91st day after the specified payment date.

Section 3. Appeals Process. (1) A violator may ask for review of the assessed penalty by the program coordinator. The request shall be:

(a) In writing; and

(b) Submitted within fifteen (15) days of receiving the penalty to: KVE Compliance Review Program Coordinator, 125 Holmes Street, 3rd Floor, Frankfort, Kentucky 40601.

(2) Following a review pursuant to subsection (1) of this section, a violator may contest a penalty by requesting an administrative hearing under KRS Chapter 13B. The request shall be:

(a) In writing; and

(b) Submitted within fifteen (15) days of the review being finalized to: KVE Compliance Review Program Coordinator, 125 Holmes Street, 3rd Floor, Frankfort, Kentucky 40601.

(3) KRS 13B.010 through 13B.170 shall govern all hearings conducted under subsection (2) of this section.

(4) A violator may appeal the final order of the commissioner in accordance with KRS 13B.140 through 13B.160. (33 Ky.R. 3123; Am. 3367; eff. 6-1-07.)